

# Exhibit D

Defendants' Amended Initial Disclosures

United States District Court  
Western District of Texas  
Austin Division

United States of America,

*Plaintiff,*

v.

Greg Abbott, in his capacity as Governor of  
the State of Texas, and the State of Texas,

*Defendants.*

No. 1:23-cv-00853-DAE

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**DEFENDANTS' AMENDED INITIAL DISCLOSURES**

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TO: Plaintiff, the United States of America, by and through its attorney of record Landon A. Wade, Assistant United States Attorney, U.S Attorney's Office Western District of Texas, 903 San Jacinto Blvd. Suite 334, Austin, Texas 78701.

Defendants, Gregory Abbott, in his official capacity as the Governor of Texas, and the State of Texas (collectively "Defendants") serve the following Amended Initial Disclosures.

Date: June 12, 2024

Respectfully submitted,

Ken Paxton  
Attorney General of the State of Texas

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First Assistant Attorney General

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Chief, Special Litigation Division

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*s/ Johnathan Stone*  
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(512) 936-2172

*Counsel for Defendants*

**CERTIFICATE OF SERVICE**

On June 12, 2024, this document was served via email on all counsels of record.

*s/ Johnathan Stone*  
**Johnathan Stone**  
Special Counsel

**DEFENDANTS' AMENDED INITIAL DISCLOSURES**

**Fed. R. Civ. P. Rule 26(a)(1)(A)(i):**

The name and, if known, the address and telephone number of each individual likely to have discoverable information—along with the subjects of that information—that the disclosing party may use to support its claims or defenses, unless the use would be solely for impeachment.

**RESPONSE:**

1. **Texas Military Department**  
C/o Johnathan Stone  
Special Counsel  
Special Litigation Division  
Office of the Attorney General of Texas  
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*Counsel for Defendants*

Employees of the Texas Military Department are likely to have discoverable information that may be used to support a claim or defense, other than solely for impeachment purposes, relating to border security, Operation Lonestar, law enforcement, the buoys, and the Rio Grande River.

2. **Texas Department of Public Safety**  
C/o Johnathan Stone  
Special Counsel  
Special Litigation Division  
Office of the Attorney General of Texas  
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*Counsel for Defendants*

Employees of the Texas Department of Public Safety are likely to have discoverable information that may be used to support a claim or defense, other than solely for impeachment purposes, relating to border security, Operation Lonestar, law enforcement, the buoys, and the Rio Grande River.

**3. Texas Commission on Environmental Quality**

C/o Johnathan Stone  
Special Counsel  
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Office of the Attorney General of Texas  
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*Counsel for Defendants*

Employees of the Texas Commission on Environmental Quality are likely to have discoverable information that may be used to support a claim or defense, other than solely for impeachment purposes, relating to the buoys, water rights, water releases, commercial navigation, environmental and ecological matters, permitting, state regulations, and the Rio Grande River.

**4. Geir Eilif Kalhagen**

Maritime Division Director  
Texas Department of Transportation  
C/o Johnathan Stone  
Special Counsel  
Special Litigation Division  
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*Counsel for Defendants*

Mr. Kalhagen is likely to have discoverable information that may be used to support a claim

or defense, other than solely for impeachment purposes, relating to the buoys, commercial navigation, global supply chains, law enforcement, Operation Lonestar, maritime logistics, and the Rio Grande River.

5. **Georgina (“Gina”) Bermea**  
Rio Grande River Watermaster  
Texas Commission on Environmental Quality  
C/o Johnathan Stone  
Special Counsel  
Special Litigation Division  
Office of the Attorney General of Texas  
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*Counsel for Defendants*

Ms. Bermea is likely to have discoverable information that may be used to support a claim or defense, other than solely for impeachment purposes, relating to the buoys, water rights, water releases, commercial navigation, permitting, state regulations, and the Rio Grande River.

6. **Mike Banks**  
Special Advisor to the Governor on Border Matters  
C/o Johnathan Stone  
Special Counsel  
Special Litigation Division  
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*Counsel for Defendants*

Mr. Banks is likely to have discoverable information that may be used to support a claim or defense, other than solely for impeachment purposes, relating to border security, Operation Lonestar, the buoys, law enforcement, governmental relations, and the Rio Grande River.

**7. Rodney Scott**

Former Chief of the U.S. Border Patrol  
C/o Johnathan Stone  
Special Counsel  
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*Counsel for Defendants*

Mr. Scott is likely to have discoverable information that may be used to support a claim or defense, other than solely for impeachment purposes, relating to border security, law enforcement, the buoys, governmental relations, and the Rio Grande River.

**8. Victor Escalon**

Regional Director  
Texas Department of Public Safety  
C/o Johnathan Stone  
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*Counsel for Defendants*

Mr. Escalon is likely to have discoverable information that may be used to support a claim or defense, other than solely for impeachment purposes, relating to border security, Operation Lonestar, law enforcement, state regulations, the buoys, governmental relations, and the Rio Grande River.

**9. Chris Nordloh**

Tactical Marine Unit  
Texas Department of Public Safety

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Special Counsel  
Special Litigation Division  
Office of the Attorney General of Texas  
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*Counsel for Defendants*

Mr. Nordloh is likely to have discoverable information that may be used to support a claim or defense, other than solely for impeachment purposes, relating to border security, Operation Lonestar, the buoys, law enforcement, governmental relations, and the Rio Grande River.

**10. Joseph Shelnutt**  
U.S. Army Corps of Engineers  
C/o Brian Lynk  
Department of Justice  
Environment & Natural Resources Division  
150 M Street NE  
Washington, D.C. 20002  
Telephone: 202-514-6187  
[Brian.lynk@usdoj.gov](mailto:Brian.lynk@usdoj.gov)  
*Counsel for the USA*

Mr. Shelnutt is likely to have discoverable information that may be used to support a claim or defense, other than solely for impeachment purposes, relating to the U.S. Army Corps of Engineers determination that the Rio Grande is a navigable river under the Rivers and Harbors Act and the absence of a U.S. Army Corps of Engineers permit issued for the installation the buoys.

**11. Neil Lebsock**  
U.S. Army Corps of Engineers  
C/o Brian Lynk  
Department of Justice  
Environment & Natural Resources Division  
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Washington, D.C. 20002  
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*Counsel for the USA*

Mr. Lebsack is likely to have discoverable information that may be used to support a claim or defense, other than solely for impeachment purposes, relating to the U.S. Army Corps of Engineers determination that the Rio Grande is a navigable river under the Rivers and Harbors Act and the absence of a U.S. Army Corps of Engineers permit issued for the installation the buoys.

**12. Isela Canava**

U.S. Section of International Boundary Water Commission  
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Department of Justice  
Environment & Natural Resources Division  
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Washington, D.C. 20002  
Telephone: 202-514-6187  
[Brian.lynk@usdoj.gov](mailto:Brian.lynk@usdoj.gov)  
*Counsel for the USA*

Ms. Canava is likely to have discoverable information that may be used to support a claim or defense, other than solely for impeachment purposes, relating to navigation of the Rio Grande River by the U.S. Section of International Boundary Water Commission and the impact of the buoys on the U.S. Section of International Boundary Water Commission.

**13. Francisco Sainz**

U.S. Section of International Boundary Water Commission  
C/o Brian Lynk  
Department of Justice  
Environment & Natural Resources Division  
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Washington, D.C. 20002  
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*Counsel for the USA*

Mr. Sainz is likely to have discoverable information that may be used to support a claim or defense, other than solely for impeachment purposes, relating to the impact of the buoys on the

U.S. Section of International Boundary Water Commission.

- 14. Adrian Cortez**  
U.S. Section of International Boundary Water Commission  
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Environment & Natural Resources Division  
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Washington, D.C. 20002  
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*Counsel for the USA*

Mr. Cortez is likely to have discoverable information that may be used to support a claim or defense, other than solely for impeachment purposes, relating to navigation of the Rio Grande River by the U.S. Section of International Boundary Water Commission and the impact of the buoys on the U.S. Section of International Boundary Water Commission.

- 15. Mario Gomez**  
U.S. Section of International Boundary Water Commission  
C/o Brian Lynk  
Department of Justice  
Environment & Natural Resources Division  
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*Counsel for the USA*

Mr. Gomez is likely to have discoverable information that may be used to support a claim or defense, other than solely for impeachment purposes, relating to navigation of the Rio Grande River by the U.S. Section of International Boundary Water Commission and the impact of the buoys on the U.S. Section of International Boundary Water Commission.

- 16. Hilary Quam**  
U.S. Department of Defense  
C/o Brian Lynk  
Department of Justice

Environment & Natural Resources Division  
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Washington, D.C. 20002  
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*Counsel for the USA*

Ms. Quam is likely to have discoverable information that may be used to support a claim or defense, other than solely for impeachment purposes, relating to the impact of the buoys on U.S. relations with Mexico.

**17. Micky Donaldson**  
U.S. Border Patrol  
C/o Brian Lynk  
Department of Justice  
Environment & Natural Resources Division  
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Washington, D.C. 20002  
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*Counsel for the USA*

Mr. Donaldson is likely to have discoverable information that may be used to support a claim or defense, other than solely for impeachment purposes, relating to navigation of the Rio Grande River by the U.S. Border Patrol and the impact of the buoys on the U.S. Border Patrol.

**18. Capt. Brandy Parker**  
U.S. Coast Guard  
C/o Brian Lynk  
Department of Justice  
Environment & Natural Resources Division  
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Washington, D.C. 20002  
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[Brian.lynk@usdoj.gov](mailto:Brian.lynk@usdoj.gov)  
*Counsel for the USA*

Capt. Parker is likely to have discoverable information that may be used to support a claim or defense, other than solely for impeachment purposes, relating to the U.S. Coast Guard

determination that the Rio Grande River is a navigable river.

- 19. Capt. Justin Peters**  
U.S. Coast Guard  
C/o Brian Lynk  
Department of Justice  
Environment & Natural Resources Division  
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Washington, D.C. 20002  
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*Counsel for the USA*

Capt. Peters is likely to have discoverable information that may be used to support a claim or defense, other than solely for impeachment purposes, relating to the U.S. Coast Guard's mission and operational capabilities on the Rio Grande River.

- 20. Jennifer Pena**  
Chief Legal Counsel  
U.S. Section of International Boundary Water Commission  
C/o Brian Lynk  
Department of Justice  
Environment & Natural Resources Division  
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*Counsel for the USA*

Ms. Pena is likely to have discoverable information that may be used to support a claim or defense, other than solely for impeachment purposes, relating to the U.S. Section of International Boundary Water Commission, prioritization of water uses, water rights, water releases, and the buoys.

- 21. U.S. Army Corps of Engineers**  
C/o Brian Lynk  
Department of Justice  
Environment & Natural Resources Division  
150 M Street NE

Washington, D.C. 20002  
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[Brian.lynk@usdoj.gov](mailto:Brian.lynk@usdoj.gov)  
*Counsel for the USA*

Employees of the U.S. Army Corps of Engineers are likely to have discoverable information that may be used to support a claim or defense, other than solely for impeachment purposes, relating to permitting, the Rio Grande River, construction, studies, research, cost-benefit analyses, hydrology, dredging, hydraulics, dams, electricity, water, waterways, vessels, federal regulations, engineering, budgeting, policies, and procedures.

**22. U.S. Section of International Boundary Water Commission**

C/o Brian Lynk  
Department of Justice  
Environment & Natural Resources Division  
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*Counsel for the USA*

Employees of the U.S. Section of International Boundary Water Commission are likely to have discoverable information that may be used to support a claim or defense, other than solely for impeachment purposes, relating to permitting, the Rio Grande River, construction, studies, research, treaties, cost-benefit analyses, hydrology, electricity, water, engineering, water accounting, water rights, water usage, dredging, hydraulics, dams, waterways, vessel, budgeting, policies, and procedures.

**23. U.S. Border Patrol**

C/o Brian Lynk  
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*Counsel for the USA*

Employees of the U.S. Border Patrol are likely to have discoverable information that may be used to support a claim or defense, other than solely for impeachment purposes, relating to the Rio Grande River, border security, law enforcement, commercial navigation, federal regulations, inspections, policies, procedures, customs, trade, and the buoys.

**24. Elizabeth Sherwood-Randall**  
White House Homeland Security Adviser  
C/o Brian Lynk  
Department of Justice  
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*Counsel for the USA*

Ms. Sherwood-Randall is likely to have discoverable information that may be used to support a claim or defense, other than solely for impeachment purposes, relating to permitting, the Rio Grande River, policies, procedures, border security, the buoys, and the absence of the buoys impacting U.S. relations with Mexico.

**25. City of Eagle Pass**  
C/o Ana Sophia “Sophie Garcia” Berain  
City Attorney  
Eagle Pass  
100 S. Monroe St.  
Eagle Pass, TX 78852  
Telephone: (830) 773-1111  
*Counsel for the City of Eagle Pass*

Employees of the City of Eagle Pass are likely to have discoverable information that may be used to support a claim or defense, other than solely for impeachment purposes, relating to the Rio Grande River, border security, law enforcement, commercial navigation, economic development,

policies, procedures, customs, trade, ordinances, resolutions, local government, governmental relations, deaths, crime, and the buoys.

**26. Sheriff Tom Schmerber**  
Maverick County  
C/o Jaime "AJ" Iracheta  
County Attorney  
Maverick County  
680 Quarry Street  
Eagle Pass, TX, United States, Texas  
Telephone: (830) 773-3520  
[County.Attorney@co.maverick.tx.us](mailto:County.Attorney@co.maverick.tx.us)  
*Counsel for Maverick County*

Sheriff Schmerber is likely to have discoverable information that may be used to support a claim or defense, other than solely for impeachment purposes, relating to the Rio Grande River, border security, law enforcement, drownings and rescues, deaths, crime, policies, procedures, governmental relations, and the buoys.

**27. Dr. Corinne Stern**  
Webb County Medical Examiner  
C/o Marco Montemayor  
County Attorney  
Webb County  
1110 Washington St., Ste 301  
Laredo, TX 78040  
Telephone: (956) 523-4044  
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*Counsel for Webb County*

Dr. Stern is likely to have discoverable information that may be used to support a claim or defense, other than solely for impeachment purposes, relating to the Rio Grande River, policies, procedures, the buoys, drownings, deaths, causes of deaths, and governmental relations.

**28. City of Del Rio**  
C/o Jack L. Stern  
City Attorney  
City of Del Rio

109 W. Broadway  
Del Rio, TX 78840  
Telephone: 830-774-8618  
*Counsel for the City of Del Rio*

Employees of the City of Del Rio are likely to have discoverable information that may be used to support a claim or defense, other than solely for impeachment purposes, relating to the Rio Grande River, border security, law enforcement, commercial navigation, economic development, policies, procedures, customs, trade, ordinances, resolutions, local government, governmental relations, deaths, crime, and the buoys.

**29. City of Laredo**  
C/o Doanh “Zone” T. Nguyen  
City Attorney  
City of Laredo  
1110 Houston St.  
Laredo, TX 78040  
Telephone: (956) 791-7319  
*Counsel for the City of Laredo*

Employees of the City of Laredo are likely to have discoverable information that may be used to support a claim or defense, other than solely for impeachment purposes, relating to the Rio Grande River, border security, law enforcement, commercial navigation, economic development, policies, procedures, customs, trade, ordinances, resolutions, local government, governmental relations, deaths, crime, and the buoys.

**30. Walker Smith**  
Director  
Port of Harlingen  
24633 E. Port Rd.  
Harlingen, TX 78550  
Telephone: (956) 423-0283  
[walker@portofharlingen.com](mailto:walker@portofharlingen.com)

Mr. Smith is likely to have discoverable information that may be used to support a claim or



defense, other than solely for impeachment purposes, relating to the Rio Grande River, ports, the Port of Harlingen, vessels, trade, customs, border security, law enforcement, policies, procedures, and commercial navigation.

- 31. Eduardo A. Campirano**  
Port Director  
Port of Brownsville  
1000 Foust Road  
Brownsville, TX 78521  
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Mr. Campirano is likely to have discoverable information that may be used to support a claim or defense, other than solely for impeachment purposes, relating to the Rio Grande River, ports, the Port of Brownsville, vessels, trade, customs, border security, law enforcement, policies, procedures, and commercial navigation.

- 32. Richard Yarusso**  
Police Officer  
C/o Michael Gerber  
Deputy Commissioner  
N.Y. Police Department  
1 Police Plz Rm 1406  
New York, NY 10038 - 1403  
Telephone: (212) 374-5400  
*Counsel for the NYPD*

Mr. Yarusso is likely to have discoverable information that may be used to support a claim or defense, other than solely for impeachment purposes, relating to law enforcement, crime, violence committed by illegal immigrants, and the impact of illegal immigration crossing the Rio Grande River near Eagle Pass, TX.

- 33. Loren Flossman**  
Cochrane International  
C/o Beau Cox  
Norton Rose Fulbright US LLP

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*Counsel for the Cochrane International*

Mr. Flossman is likely to have discoverable information that may be used to support a claim or defense, other than solely for impeachment purposes, relating to law enforcement, border security, the Rio Grande River, and the buoys.

**34. Kickapoo Traditional Tribe of Texas**  
C/o Jason C. Nelson  
General Counsel  
Kickapoo Traditional Tribe of Texas Legal Department  
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*Counsel for the Kickapoo Traditional Tribe of Texas*

Members and employees of the Kickapoo Traditional Tribe of Texas are likely to have discoverable information that may be used to support a claim or defense, other than solely for impeachment purposes, relating to law enforcement, border security, the Rio Grande River, the buoys, tribal law, governmental relations, and commercial navigation.

**35.** Defendants incorporate by reference the names and personal identifying information of all individuals who have made sworn declarations to the trial court, *see generally* Pl. Mtn. P.I. Ex. 1, 2, 3, 4, 5, 6, 7, 8; D. Resp. P.I. Ex. A, B, C, and any other individual identified by Plaintiff in their initial or disclosures on or before June 17, 2024.